

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|-------------------------------------|---------------------------|---|------------------------------------|--|
| Investigator: Nick Kuczek | Team: Squad #08 | CCRB Case #: 202305225 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Thursday, 06/01/2023 12:10 AM | Location of Incident: § 87(2)(b) | 18 Mo. SOL 12/1/2024 | Precinct: 78 | | |
| Date/Time CV Reported Thu, 06/01/2023 5:43 AM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 06/08/2023 1:18 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|----------------------|--------|--------|---------|
| 1. PO Jeffrey Minaya | 22773 | 962622 | PSA 1 |
| 2. PO Devon Ruiz | 19550 | 959168 | PSA 1 |
| 3. Officers | | | |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A . PO Jeffrey Minaya | Abuse: Police Officer Jeffrey Minaya threatened to arrest § 87(2)(b) | § 87(2)(b) |
| B . PO Jeffrey Minaya | Force: Police Officer Jeffrey Minaya used physical force against § 87(2)(b) | § 87(2)(b) |
| C . PO Devon Ruiz | Abuse: Police Officer Devon Ruiz threatened § 87(2)(b) with the use of force. | § 87(2)(b) |
| D . Officers | Force: Officers used physical force against § 87(2)(b) | § 87(2)(b) |
| E . PO Jeffrey Minaya | Force: Police Officer Jeffrey Minaya used physical force against § 87(2)(b) | § 87(2)(b) |
| F . PO Devon Ruiz | Abuse: Police Officer Devon Ruiz searched § 87(2)(b) | § 87(2)(b) |
| G . PO Jeffrey Minaya | Abuse: Police Officer Jeffrey Minaya frisked § 87(2)(b) | § 87(2)(b) |
| H . PO Devon Ruiz | Abuse: Police Officer Devon Ruiz frisked § 87(2)(b) | § 87(2)(b) |
| I . PO Jeffrey Minaya | Abuse: Police Officer Jeffrey Minaya forcibly removed § 87(2)(b) to the hospital. | § 87(2)(b) |
| J . PO Devon Ruiz | Abuse: Police Officer Devon Ruiz forcibly removed § 87(2)(b) to the hospital. | § 87(2)(b) |
| K . PO Jeffrey Minaya | Abuse: Police Officer Jeffrey Minaya failed to provide § 87(2)(b) with a business card. | § 87(2)(b) |
| L . PO Devon Ruiz | Abuse: Police Officer Devon Ruiz failed to provide § 87(2)(b) with a business card. | § 87(2)(b) |

Case Summary

This incident was reported to the NYPD Internal Affairs Bureau on June 1, 2023. IAB generated original log #§ 87(2)(b). The CCRB received the IAB spin-off log on June 8, 2023.

On June 1, 2023, at approximately 12:10 AM, PO Jeffrey Minaya and PO Devon Ruiz of PSA 1 were outside of § 87(2)(b) in Brooklyn and were approached by an individual who informed them that § 87(2)(b) was lying unresponsive outside of the building. PO Minaya and PO Ruiz approached § 87(2)(b) called for EMS to respond to the scene, and EMS personnel informed § 87(2)(b) that he was going to the hospital, which he refused. PO Minaya threatened to arrest § 87(2)(b) and pushed him (**Allegation A – Abuse of Authority:** § 87(2)(g) § 87(2)(b) (**Allegation B – Force:** § 87(2)(g) § 87(2)(b) PO Ruiz stated, “Either go to the hospital or you’re getting tased, bro,” (**Allegation C – Abuse of Authority:** § 87(2)(g) § 87(2)(b) entered the building, and PO Minaya and PO Ruiz entered the building and approached § 87(2)(b) Officers allegedly surrounded § 87(2)(b) and punched him in the face approximately ten times (**Allegation D – Force:** § 87(2)(g) § 87(2)(b) PO Minaya grabbed § 87(2)(b) by the arm, threw him into PO Ruiz, and PO Minaya handcuffed § 87(2)(b) (**Allegation E – Force:** § 87(2)(g) § 87(2)(b) was escorted to an ambulance where PO Ruiz frisked and searched § 87(2)(b) and PO Minaya frisked him (**Allegations F, G, and H – Abuse of Authority:** § 87(2)(g) § 87(2)(b) was removed to § 87(2)(b) Hospital (**Allegations I and J – Abuse of Authority:** § 87(2)(g) § 87(2)(b) PO Minaya and PO Ruiz did not offer or provide § 87(2)(b) with a business card (**Allegations K and L – Abuse of Authority:** § 87(2)(g) § 87(2)(b)).

§ 87(2)(b) was not arrested or summonsed as a result of this incident.

The investigation obtained body-worn camera footage (BWC) from PO Minaya and PO Ruiz (Board Review 01).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jeffrey Minaya threatened to arrest § 87(2)(b).

Allegation (B) Force: Police Officer Jeffrey Minaya used physical force against § 87(2)(b).

Allegation (C) Abuse of Authority: Police Officer Devon Ruiz threatened § 87(2)(b) with the use of force.

Allegation (D) Force: Officers used physical force against § 87(2)(b).

Allegation (E) Force: Police Officer Jeffrey Minaya used physical force against § 87(2)(b).

Allegation (I) Abuse of Authority: Police Officer Jeffrey Minaya forcibly removed § 87(2)(b) to the hospital.

Allegation (J) Abuse of Authority: Police Officer Devon Ruiz forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) provided a statement to the CCRB via telephone on July 7, 2023. On June 1, 2023, at approximately 12:10 AM, § 87(2)(b) walked into his apartment building located at § 87(2)(b) in Brooklyn to get his mail and stopped by the building staircase to talk to one of his neighbors named § 87(2)(b).

§ 87(2)(b) engaged in a casual conversation with § 87(2)(b) for approximately ten minutes, when he was approached from behind by four police officers, with one of them telling him that he needed to

leave the building. One of the officers grabbed § 87(2)(b) from behind and punched him in the nose. § 87(2)(b) nose was bleeding significantly, and the four officers proceeded to surround him, with all four officers striking § 87(2)(b) in the mouth, nose, jaw, and cheek, approximately ten times in total.

One of the officers handcuffed § 87(2)(b) and § 87(2)(b) stated that his bipolar “kicked in,” and he started “going crazy,” repeatedly yelling at the officers to take the handcuffs off of him so that he could fight them and calling the officers “pussies.” § 87(2)(b) suffers from bipolar, anxiety, depression, and schizophrenia. § 87(2)(b) was experiencing anxiety and depression and was not under the influence of drugs or alcohol during this incident.

§ 87(2)(b) told the officers, “Take me to a hospital right now,” with one of the officers calling for an ambulance, and § 87(2)(b) was removed to § 87(2)(b) Hospital, where he was treated for lacerations to his nose and mouth, and a swollen cheek, injuries in which he sustained as a result of the force used by officers during this incident. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Minaya’s and PO Ruiz’s BWCs captured the entirety of their interactions with § 87(2)(b) at § 87(2)(b). The footage was inconsistent with § 87(2)(b) testimony. PO Minaya’s first BWC begins with him and PO Ruiz approaching § 87(2)(b) who is sleeping on the ground outside of § 87(2)(b). At 01:20, § 87(2)(b) wakes up and PO Minaya and PO Ruiz both ask § 87(2)(b) if he wants to go to the hospital, to which § 87(2)(b) states, “Yeah.” At 07:05, EMS personnel approach § 87(2)(b) and one of them states, “You’re going to the hospital,” with § 87(2)(b) stating that he is not going anywhere. At 08:20, § 87(2)(b) walks up to PO Minaya and PO Ruiz’s police vehicle and begins touching the police vehicle spotlight. PO Minaya approaches § 87(2)(b) at the police vehicle, tells him not to touch the spotlight, and asks § 87(2)(b) if he wants to go to jail. At 08:30, § 87(2)(b) asks PO Minaya if he wants to fight and takes his jacket off. At 08:45, PO Minaya tells § 87(2)(b) that he is intoxicated, that he is going to hurt himself, and that he needs to go to the hospital. § 87(2)(b) states, “I’m intoxicated? You sure?” takes a step towards PO Minaya, and at 08:48, PO Minaya extends his right arm, pushing § 87(2)(b) in the chest and tells him to back up. At 08:50, PO Ruiz states, “Either go to the hospital or you’re getting tased, bro.” At 09:03, § 87(2)(b) walks away, states, “I’m going to blow his head off from the roof,” and enters the building at § 87(2)(b). At 13:00, PO Minaya asks EMS if § 87(2)(b) needs to go to the hospital, and an EMS supervisor states, “I mean. We can’t detain him and take him. That’s on you guys.” PO Minaya, PO Ruiz, and EMS enter the building and take the elevator upstairs. At 13:55, PO Ruiz tells an EMS supervisor, “He’s about to get tased.” At 14:30, PO Ruiz and PO Minaya approach § 87(2)(b) who is standing at the end of the hallway, and § 87(2)(b) extends his arm and states, “Back up. Back the fuck up.” At 14:55, PO Minaya states, “We’ve got to go to the hospital. We don’t want to put our hands on you,” and § 87(2)(b) states that he is not going to go. At 15:03, PO Minaya grabs § 87(2)(b) left bicep with his right hand and his left forearm with his left hand and throws § 87(2)(b) into PO Ruiz, with § 87(2)(b) face making contact with PO Ruiz’s BWC, knocking PO Ruiz’s BWC to the ground, before § 87(2)(b) falls to the ground face-first while being held by both PO Minaya and PO Ruiz. PO Minaya handcuffs § 87(2)(b) and he and PO Ruiz escort § 87(2)(b) out of the building and to an ambulance (Board Review 01).

PO Ruiz’s BWC was consistent with that of PO Minaya’s, capturing the force used by PO Minaya to detain § 87(2)(b) inside of § 87(2)(b) at 15:00 (Board Review 01).

PO Minaya testified at the CCRB on September 01, 2023. On June 01, 2023, at approximately

12:10 AM, PO Minaya and PO Ruiz sat in their police vehicle parked in front of § 87(2)(b) in Brooklyn, when two individuals approached them and stated that there was an unresponsive man lying on the ground outside of the building at § 87(2)(b). PO Minaya and PO Ruiz exited their police vehicle and approached the building where they observed § 87(2)(b) lying face down in the grass of a fenced off area next to the building entrance. PO Minaya immediately smelled alcohol coming from § 87(2)(b) and tapped his boots to wake him up. § 87(2)(b) woke up and PO Minaya asked him if he wanted to go to the hospital, to which § 87(2)(b) stated that he did, and either PO Minaya or PO Ruiz radioed for EMS to respond to the scene. A woman who PO Minaya believed to be § 87(2)(b) neighbor approached § 87(2)(b) and told him to get up.

EMS arrived on scene and one of the EMS personnel told § 87(2)(b) “Come on § 87(2)(b) Let’s go to the hospital.” § 87(2)(b) stood up, approached EMTs, and took what PO Minaya described as a “fighting stance,” with one foot behind the other, and possibly put his fists up. § 87(2)(b) then walked over to PO Minaya and PO Ruiz’s police vehicle and began touching and twisting the spotlight on the exterior of the vehicle. PO Minaya approached § 87(2)(b) told him to stop, and asked him if he wanted to go to jail. PO Minaya said this because if § 87(2)(b) continued to interfere with or damage the spotlight on their police vehicle, he could be arrested for criminal mischief, and PO Minaya wanted to de-escalate the situation and avoid having to arrest § 87(2)(b). § 87(2)(b) walked towards PO Minaya, stood approximately one foot in front of him, and stated, “What are you going to do?” to which PO Minaya interpreted as wanting to fight. PO Minaya extended his right arm and pushed § 87(2)(b) away from him in the chest. Based on § 87(2)(b) statement of, “What are you going to do?” and the proximity in which § 87(2)(b) stood in front of him, and the “fighting stance” that he took prior, PO Minaya wanted to create separation from § 87(2)(b) for safety, as he did not know what his intentions were. PO Minaya did not independently hear PO Ruiz state, “Either go to the hospital or you’re getting tased, bro,” to § 87(2)(b) during the incident, but stated that after reviewing BWC footage prior to the interview, he did hear PO Ruiz state this. § 87(2)(b) was not taking any actions at the time of this statement by PO Ruiz that would have justified a CEW deployment on him. Other than smelling alcohol coming from § 87(2)(b) PO Minaya believed that § 87(2)(b) was intoxicated because he was slurring his words, acting aggressively, and speaking in an angry tone of voice.

§ 87(2)(b) walked away from PO Minaya and towards the entrance of § 87(2)(b) and as he walked away, § 87(2)(b) stated that he was going to go to the roof and shoot PO Minaya and PO Ruiz. PO Minaya heard the woman he believed to be § 87(2)(b) neighbor tell EMS that § 87(2)(b) had schizophrenia, and she stated that she hoped that § 87(2)(b) was not actually going to the roof of the building. PO Minaya did not have any knowledge of § 87(2)(b) mental health history prior to the woman making this statement. § 87(2)(b) walked inside § 87(2)(b) and took the elevator upstairs and PO Minaya asked EMS if § 87(2)(b) needed to go to the hospital, and the EMS supervisor on scene stated that PO Minaya and PO Ruiz were the ones that had to detain him. PO Minaya interpreted the EMS supervisor’s response as a confirmation that § 87(2)(b) did need to go to the hospital, but PO Minaya also believed that § 87(2)(b) needed to go to the hospital. PO Minaya stated that § 87(2)(b) apparent schizophrenia, apparent intoxication level, body language and “fighting stance,” were all factors in his determination that § 87(2)(b) needed to go to the hospital and stated that § 87(2)(b) statement regarding going to the roof concerned him, as if he and PO Ruiz did not take action and § 87(2)(b) did go to the roof, something could happen, such as him jumping off. For these reasons, PO Minaya believed § 87(2)(b) to be both a danger to himself and a danger to others, as he acted in a hostile and threatening manner with himself, PO Ruiz, and EMS.

PO Minaya, PO Ruiz, and EMS entered the building and took the elevator upstairs. PO Minaya, PO Ruiz, and EMS exited the elevator and PO Minaya and PO Ruiz approached § 87(2)(b) who

stood outside of an apartment door at the end of the hallway. PO Minaya asked § 87(2)(b) to go with them to the hospital voluntarily and told him that he did not want to have to put hands on him, and § 87(2)(b) continued to refuse. § 87(2)(b) bladed his body by turning it, with his left arm facing PO Minaya. PO Minaya grabbed § 87(2)(b) somewhere on his left arm with both hands, and § 87(2)(b) leaned his weight backwards and PO Minaya pulled § 87(2)(b) towards him, against the resistance of § 87(2)(b). § 87(2)(b) did not resist in any way further than leaning his weight backwards. PO Minaya was trying to grab § 87(2)(b) by the forearm and shoulder and bring him directly to the ground but was only able to grab onto § 87(2)(b) arm because of his weight being leaned in the other direction. After a few seconds, § 87(2)(b) stopped leaning his weight backwards, and with PO Minaya still pulling against § 87(2)(b) resistance, § 87(2)(b) was propelled forward with his face hitting PO Ruiz's BWC equipped to his chest, and § 87(2)(b) fell to floor facedown. PO Minaya stated that § 87(2)(b) appeared to land on the floor softly and that most of the force from his forward movement was sustained when making physical contact with PO Ruiz's chest. PO Minaya stated that he did not intend for § 87(2)(b) to make physical contact with PO Ruiz, that he was not trying throw § 87(2)(b) in the direction of PO Ruiz, and that § 87(2)(b) no longer leaning his weight backwards was the sole reason that this occurred. § 87(2)(b) sustained a laceration to his left eyebrow as a result of the physical contact made with PO Ruiz's BWC, and his eyebrow was bleeding. PO Minaya strained his neck and shoulder as a result of the forcible takedown of § 87(2)(b). PO Minaya handcuffed § 87(2)(b), lifted him to his feet, and he, PO Ruiz, and EMS escorted § 87(2)(b) out of the building and into the ambulance where he was removed to § 87(2)(b) Hospital.

PO Minaya and PO Ruiz were the only officers on scene and neither PO Minaya nor PO Ruiz punched § 87(2)(b) in the face during this incident (Board Review 03).

PO Ruiz testified at the CCRB on September 01, 2023, and his testimony was consistent with PO Minaya's. After EMS arrived on scene and prior to entering § 87(2)(b), § 87(2)(b) took off his jacket, asked PO Minaya if he wanted to fight, and put his fists up. PO Ruiz unholstered his taser and stated, "Either go to the hospital or you're getting tased, bro." PO Ruiz said this because § 87(2)(b) was posing a threat to PO Minaya and PO Ruiz was going to deploy his taser on § 87(2)(b) if he attempted to fight PO Minaya. § 87(2)(b) could have been tased when PO Ruiz made this statement because he was trying to fight PO Minaya and because he had not been searched so PO Ruiz did not know what § 87(2)(b) had on him. PO Ruiz did not have any specific reason to believe that § 87(2)(b) was armed. After § 87(2)(b) entered § 87(2)(b), PO Minaya asked the EMS supervisor on scene if § 87(2)(b) had to be removed to the hospital and the supervisor told PO Minaya that they cannot detain § 87(2)(b). PO Ruiz interpreted this statement from the EMS supervisor as saying that § 87(2)(b) did have to go to the hospital, but that he and PO Minaya would have to be the ones to restrain him. Upon the approach of § 87(2)(b) inside of § 87(2)(b), PO Ruiz and PO Minaya both told § 87(2)(b) that he needed to go to the hospital, with § 87(2)(b) refusing. PO Minaya grabbed § 87(2)(b) by one arm with both hands and pulled § 87(2)(b) towards him, while § 87(2)(b) leaned his weight backwards. § 87(2)(b) stopped leaning his weight backwards, causing § 87(2)(b) to be propelled forward, with his head hitting PO Ruiz's BWC, who stood behind PO Minaya.

PO Minaya and PO Ruiz were the only officers on scene and neither PO Minaya nor PO Ruiz punched § 87(2)(b) in the face during this incident (Board Review 04).

According to NY CLS Penal § 145.00, a person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that they have such right, they intentionally damage property of another person (Board Review 05).

According to NYPD Patrol Guide Procedure 216-01, in cases where officers are rendering aid to a person, officers shall cooperate with ambulance/hospital personnel in every reasonable manner, including removal decisions made by emergency medical services personnel (Board Review 06).

NYPD Patrol Guide Procedure 221-13 defines an “emotionally disturbed person,” as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others, and instructs that officers remove such persons to a hospital for evaluation (Board Review 07).

According to NYPD Patrol Guide Procedure 221-01, force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (Board Review 08).

According to NYPD Patrol Guide Procedure 221-08, a CEW should only be used against individuals who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or others actually present (Board Review 09).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED] BWC revealed that § 87(2)(g) [REDACTED]
[REDACTED] did appear to be making physical contact with the police vehicle spotlight prior to PO Minaya’s threat of arrest. § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

BWC revealed that prior to PO Minaya pushing § 87(2)(b) [REDACTED] asked him if he wanted to fight, took off his jacket, and took a step towards PO Minaya, standing in close proximity to him.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PO Ruiz’s statement of, “Either go to the hospital or you’re getting tased, bro,” was made directly after § 87(2)(b) [REDACTED] asked PO Minaya if he wanted to fight, took off his jacket, took a step towards PO Minaya, and was pushed by PO Minaya, however § 87(2)(b) [REDACTED] did not take any physical actions during this time other than stepping in close proximity to PO Minaya. § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BWC revealed that PO Minaya and PO Ruiz were the only officers on scene and neither PO Minaya nor PO Ruiz punched § 87(2)(b) [REDACTED] in the face during this incident. § 87(2)(g) [REDACTED]
[REDACTED]

BWC revealed that at the time that PO Minaya grabbed and threw § 87(2)(b) into PO Ruiz, § 87(2)(b) was verbally refusing to go to the hospital but was not physically resisting. At the time that PO Minaya grabs § 87(2)(b) arm, § 87(2)(b) places his hands up and does not physically resist PO Minaya in any way. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

While § 87(2)(b) stated that he requested medical treatment during this incident, BWC revealed that § 87(2)(b) repeatedly refused medical treatment before being detained and forcibly removed to the hospital. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Based on the EMS personnel's statement of, "You're going to the hospital," to § 87(2)(b) and the EMS supervisor's statement of, "I mean. We can't detain him and take him. That's on you guys," in response to PO Minaya asking if § 87(2)(b) needed to be removed to the hospital, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: Police Officer Devon Ruiz searched § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Jeffrey Minaya frisked § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Devon Ruiz frisked § 87(2)(b)

PO Minaya stated that once § 87(2)(b) was brought outside to the ambulance and prior to being removed to the hospital, he frisked § 87(2)(b) waistband and right pants pockets. Minaya stated that it is standard procedure during an "EDP" removal to the hospital to frisk an individual prior to them being placed in an ambulance to ensure that they do not have a weapon. PO Minaya did not have any articulable reason to believe that § 87(2)(b) was armed and stated that his frisk was performed solely as standard procedure (Board Review 03).

PO Ruiz stated that once § 87(2)(b) was brought outside to the ambulance, he saw the head of a screwdriver sticking out of § 87(2)(b) right pants pocket, so he removed the screwdriver, and proceeded to frisk and search § 87(2)(b) two right pants pockets. § 87(2)(b) had another screwdriver, a pair of pliers, the handle of a razor, a lighter, and a wig in his pockets. PO Ruiz frisked and searched § 87(2)(b) to ensure that he did not have any weapons, as it is standard NYPD procedure to ensure that an individual does not have any weapons on them prior to being removed to the hospital in an ambulance. PO Ruiz did not have any articulable reason to believe that § 87(2)(b) was armed and based on NYPD procedure, PO Ruiz would have frisked and searched § 87(2)(b) pockets even if he did not see the handle of a screwdriver sticking out of his right pants pocket (Board Review 04).

PO Ruiz's BWC captured the search and frisk of § 87(2)(b) by PO Ruiz, and the frisk of § 87(2)(b) by PO Minaya, prior to being removed to the hospital. At 20:15, PO Ruiz enters § 87(2)(b) right pants pocket and pulls out two screwdrivers. He then reaches into his right pants pocket a second time, asks § 87(2)(b) if he has anything in his pockets that are going to poke him, and pulls out a pen. At 20:38, PO Ruiz reaches into § 87(2)(b) right pants pocket a third

time and pulls out a razor handle before reaching into § 87(2)(b) right pants pocket a fourth time. At

21:15, PO Minaya pats down the exterior of § 87(2)(b) left pants pockets, while PO Ruiz simultaneously pats down the exterior of § 87(2)(b) right pants pockets (Board Review 01).

According to People v. De Bour, 40 N.Y.2d 210 (1976), a police officer has the authority to frisk if the officer reasonably suspects that he is in danger of physical injury by virtue of a detainee being armed (Board Review 10).

According to NYPD Patrol Guide Procedure 212-11, a frisk is authorized when an officer reasonably suspects that a person is armed and dangerous. Following a frisk, a search is authorized only when the frisk reveals an object that the officer reasonably suspects to be a weapon, in order to remove the weapon (Board Review 11).

[illegible]

Allegation (K) Abuse of Authority: Police Officer Jeffrey Minaya failed to provide § 87(2)(b)
 with a business card.

Allegation (L) Abuse of Authority: Police Officer Devon Ruiz failed to provide § 87(2)(b) with a business card.

PO Minaya stated that PO Ruiz rode in the ambulance with § 87(2)(b) to the § 87(2)(b) Hospital while he followed in his police vehicle. Once at the hospital, § 87(2)(b) was placed in a bed and PO Minaya was taken to a separate hospital room to be treated for the neck and shoulder strain sustained as a result of this incident. PO Minaya was at the hospital for approximately four to five hours and saw § 87(2)(b) leave the hospital before him but did not have any further interaction with him. PO Minaya stated that because this interaction involved a forcible takedown, it required PO Minaya to preemptively offer or provide § 87(2)(b) with a business card at its conclusion. PO Minaya did not offer or provide § 87(2)(b) with a business card at any point during this incident and stated that he would have, but because § 87(2)(b) left the hospital prior to PO Minaya being discharged, he did not have an opportunity to do so (Board Review 03).

PO Ruiz stated that he did not believe that he offered or provided § 87(2)(b) with a business card during this incident. Based on his interaction with § 87(2)(b) during this incident, PO Ruiz did not believe that this was an interaction that required him to preemptively offer or provide § 87(2)(b) with a business card at its conclusion (Board Review 04).

PO Minaya's second BWC captured his and PO Ruiz's interactions with § 87(2)(b) inside of the hospital, in which both officers spent 19 minutes waiting with § 87(2)(b) and EMS inside of the

hospital, prior to § 87(2)(b) and PO Minaya obtaining medical treatment (Board Review 01).

According to New York City Administrative Code 14-174, officers must offer or provide a business card to any individual with which they conduct a law enforcement activity, including stops and frisks, at the conclusion of any such activity that does not result in an arrest or summons (Board Review 12).

According to NYPD Administrative Guide 304-11, officers are required to provide right to know business cards upon the conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made, or exigent circumstances are present (Board Review 13).

PO Minaya and PO Ruiz both engaged in law enforcement activity that would have required them to preemptively offer or provide § 87(2)(b) with a business card. PO Minaya acknowledged that he did not offer or provide § 87(2)(b) with a business card during this incident, while PO Ruiz did not believe that he did. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 14).
- PO Ruiz has been a member of service since July 08, 2015, and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Minaya has been a member of service since October 11, 2016, and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 26, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 17).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.
-

Squad: 8

| | | | |
|---------------|------------------------|-------------------------------------|-------------------|
| Investigator: | <u>Nicholas Kuczek</u> | <u>Investigator Nicholas Kuczek</u> | <u>09/29/2023</u> |
| | Signature | Print Title & Name | Date |

| | | | |
|---------------|------------------------|---------------------------|-------------------|
| Squad Leader: | <u>Ethan De Angelo</u> | <u>IM Ethan De Angelo</u> | <u>09/30/2023</u> |
| | Signature | Print Title & Name | Date |

| | | | |
|-----------|-----------|--------------------|---------|
| Reviewer: | <u></u> | <u></u> | <u></u> |
| | Signature | Print Title & Name | Date |